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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,018	04/22/2002	Karen Briley-Saebo	NIDN-10427	3572

36335 7590 03/12/2007

GE HEALTHCARE, INC.
IP DEPARTMENT
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PRINCETON, NJ 08540-6231

EXAMINER	
SMITH, RUTH S	
ART UNIT	**PAPER NUMBER**
3737	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/018,018	BRILEY-SAEBO ET AL.	
	Examiner	Art Unit	
	Ruth S. Smith	3737	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 14-15, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn et al in view of Prince ('619) or White et al. Kuhn discloses MR imaging whereby a catheter filled with a blood pool contrast agent (column 6, lines 20-35) is placed into the vasculature of a patient and an MR image of at least a part of the body containing the catheter is generated. The contrast agent within the catheter allows one to visualize the tip of the catheter and to guide its placement in the body. Kuhn fails to set forth that the contrast agent is administered to an area around the catheter tip via an i.v. injection directly into the body. Prince and White et al are each an example that discloses providing a contrast agent to an area to be imaged via IV injection. It would have been obvious to one skilled in the art to have modified Kuhn such that the blood pool contrast agent is administered by IV injection. Such a modification involves the substitution of one known method for administering a contrast agent to an area adjacent

catheter tip for another in order for the catheter to be visualized and guided through the vasculature. With respect to claim 25, this limitation is inherent in the method disclosed.

Claims 16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn in view of Prince ('619) or White et al as applied to claim 14 above, and further in view of Gunther et al. Kuhn fails to specifically disclose the blood pool contrast agents used. Gunther et al disclose MR blood pool contrast agents. The contrast agents are as set forth in claims 16-19. It would have been obvious to one skilled in the art to have further modified Kuhn such that the blood pool contrast agents used are those disclosed by Gunther et al. Such a modification merely involves the selection of a known type of blood pool contrast agent for those used in the method of Kuhn. With respect to claims 20-24, Gunther et al discloses the use of these materials and positive and negative contrast agents which use differences in T1 and T2 as set forth.

Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn in view of Prince ('619) or White et al as applied to claim 14 above, and further in view of Ericcson et al. Kuhn fails to specifically disclose the specific types of imaging sequences set forth. The use of the specific types of imaging sequences set forth in claims 26-27 are old and well known and taught for example by Ericcson et al. It would have been obvious to one skilled in the art to have further modified Kuhn such that the imaging sequences used are as taught by Ericcson et al. Such a modification merely involves the selection of a known type of imaging sequences used in MR contrast enhanced imaging.

Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn in view of Prince ('619) or White et al as applied to claim 14 above, and further in view of Filler et al. Kuhn fails to specifically disclose the specific types of contrast agent and imaging parameters. Prince discloses MR imaging using a blood pool contrast agent and small flip angles combined with short echoes as well as sequences that

employ larger flip angles and longer echo times. Filler et al disclose the use of a blood pool contrast agent that includes an iron oxide. It would have been obvious to one skilled in the art to have further modified Kuhn such that the contrast agent includes iron oxide and the flip angles are between 20 and 90 degrees with echo times being less than 10 ms. Such a modification merely involves the selection of known types of blood pool contrast agents and known imaging sequences used in contrast enhanced MR imaging procedures.

Response to Arguments

Applicant's arguments filed February 6, 2007 have been fully considered but they are not persuasive. Applicant has not provided any evidence to show unexpected results that occur from direct injection of the contrast agent into the vasculature where it ends up surrounding the device compared to enclosure of the contrast agent within the device. Both means for supplying a contrast agent in the vicinity of the device would allow the device to be visualized and guided in the body. In view of the teachings that it is known to place a contrast agent in the body via IV injection, it would have been obvious to one skilled in the art to have modified Kuhn such that the contrast agent is positioned in the vicinity of the catheter body via direct IV injection. Such a modification involves the substitution of one known means for placing the contrast agent in the vicinity of the catheter body for another.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

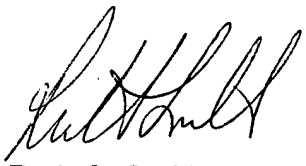
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth S. Smith whose telephone number is 571-272-4745. The examiner can normally be reached on M-F 7:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ruth S. Smith
Primary Examiner
Art Unit 3737

RSS